IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.973 OF 2007
IN
SUIT NO.757 OF 1990

Ratnakar Bank Ltd. ..Plaintiff.

V/s.

M/s. Plasto Pack and another. ..Defendants.

Mr.U.Mahajan i/b. Divekar & Co. for Plaintiff.

Mr.Brijesh Upadhay i/b. Purnand & Co. for Defendant No.2 appeared in the morning session.

CORAM: A.M.KHANWILKAR,J

DATE : AUGUST 14, 2007.

P.C. :

1. This Motion was called out in the morning session, when Mr.Brijesh Upadhay appeared for the Defendant No.2. Request was made for adjournment on the ground that senior counsel was unavailable. That request was rejected. It was made clear to the advocate, who appeared for the Defendants that the question of adjourning the matter for non-availability of senior counsel does not arise. If he so desires, may proceed with the hearing of the Motion. To accommodate the Defendant No.2, the matter was kept back.

2. However, when the matter was called out for

second time, none appears for the Defendant No.2. The record indicates that no reply has been filed by the Defendant No.2.

3. When this matter was called out on 21st March 2007 for consideration of ad-interim relief, the Defendants through Counsel consented for granting ad-interim relief in terms of prayer clause (a) and (b). As the Defendants have not chosen to file any reply, I am inclined to assume that there is no changed circumstance, for which reason, the ad-interim order granted on 21st March, 2007, as modified by the Order dated 28th March, 2007 to continue till the disposal of the Suit.

4. Accordingly, this Notice of Motion is disposed of on the above terms.

(A.M.KHANWILKAR,J)